

2/15/06



January 13, 2006

JAN 17 2006
RECEIVED

VIA U.P.S. OVERNIGHT

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: Proposed Abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas; STB Docket No. AB-33 (Sub-No. 229X)

Dear Mr. Williams:

The Union Pacific Railroad Company, (Union Pacific), has received a request from the City of Waxahachie, Texas, for a Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Waxahachie Industrial Lead from M.P. 798.03 near Waxahachie to M.P. 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas. The Union Pacific is willing to negotiate with the City of Waxahachie concerning the acquisition of the subject property for trail use and supports the City of Waxahachie's request to negotiate for a period of 180 days. A copy of the City of Waxahachie's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Enclosures

cc: City of Waxahachie

ENTERED
STB Proceedings

Part of
Public Record

O:\ABANDONMENTS\33-229X\STB-NITU.doc

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

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January 10, 2006

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

RE: Docket No. AB-33 (Sub-No. 229X), Union Pacific Railroad Company- Abandonment
exemption—in Ellis County, Texas (Waxahachie Industrial Lead)

Dear Mr. Williams:

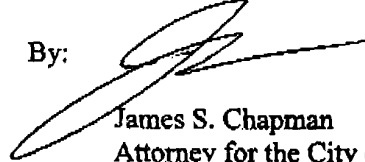
Enclosed please find an original and 10 copies of Request for Issuance of a Notice of
Interim Trail Use, for filing with the Board in the above referenced matter. A copy is being
served on Applicant's representative.

The filing fee is waived for the City of Waxahachie, Texas.

Sincerely,

CHAPMAN & CHAPMAN LLP

By:


James S. Chapman
Attorney for the City of
Waxahachie, Texas

cc: Mack Shumate, Union Pacific



BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY	§	
ABANDONMENT EXEMPTION	§	DOCKET NO. AB-33
IN ELLIS COUNTY, TEXAS	§	(SUB-NO. 229X)
(WAXAHACHIE INDUSTRIAL LEAD)	§	

REQUEST FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE

CITY OF WAXAHACHIE, TEXAS
401 S. Rogers
Waxahachie, Texas 75165

Proposed Trail User

CHAPMAN & CHAPMAN LLP
JAMES S. CHAPMAN
P.O. Box 641
Waxahachie, Texas 75168
(972) 938-2720
(972) 937-9446 (fax)

Attorney for Proposed Trail User

BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY	§	
ABANDONMENT EXEMPTION	§	DOCKET NO. AB-33
IN ELLIS COUNTY, TEXAS	§	(SUB-NO. 229X)
(WAXAHACHIE INDUSTRIAL LEAD)	§	

**REQUEST FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE**

Pursuant to 49 C.F.R. § 1152.29(a), the THE CITY OF WAXAHACHIE, TEXAS (the City) hereby requests that the Board issue a Notice of Interim Trail Use (NITU) authorizing the City to negotiate with the Union Pacific Railroad Company (UP) during a 180-day period for rail banking and interim recreational trail use of the right-of-way involved in this proceeding as well as the potential acquisition of the property in fee.

The following is submitted in support of that request.

1. Map of the Right-of-Way (49 C.F.R. §1152.29(a)(1)

A map of the involved right-of-way is attached as Exhibit A. The right-of-way extends from Milepost 798.03 near Waxahachie to Milepost 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas (the "Line").

2. Willingness to Assume Financial Responsibility (49 C.F.R. §1152.29(a)(2)

In order to establish interim trail use and rail banking under 16 U.S.C §1247(d) and 49 C.F.R. §1152.29, the City is willing to assume full responsibility for management of and for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by UP. The property extends between Milepost 798.03 near Waxahachie to Milepost

802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment in Docket No. AB-33 (Sub-No. 229X).

3. **Continuing Responsibilities; Future Reactivation of Rail Service**

49 C.F.R. §1152.29(a)(3)

The City acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

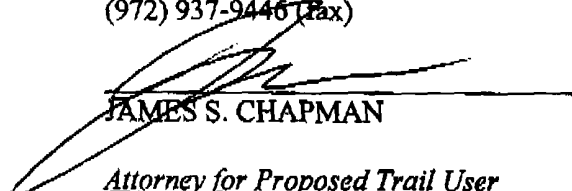
CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should issue a Notice of Trail Interim Use authorizing the City and UP to negotiate for rail banking, interim recreational trail use and potential acquisition in fee of the right-of-way involved in this proceeding.

CITY OF WAXAHACHIE, TEXAS
401 S. Rogers
Waxahachie, Texas 75165

Proposed Trail User

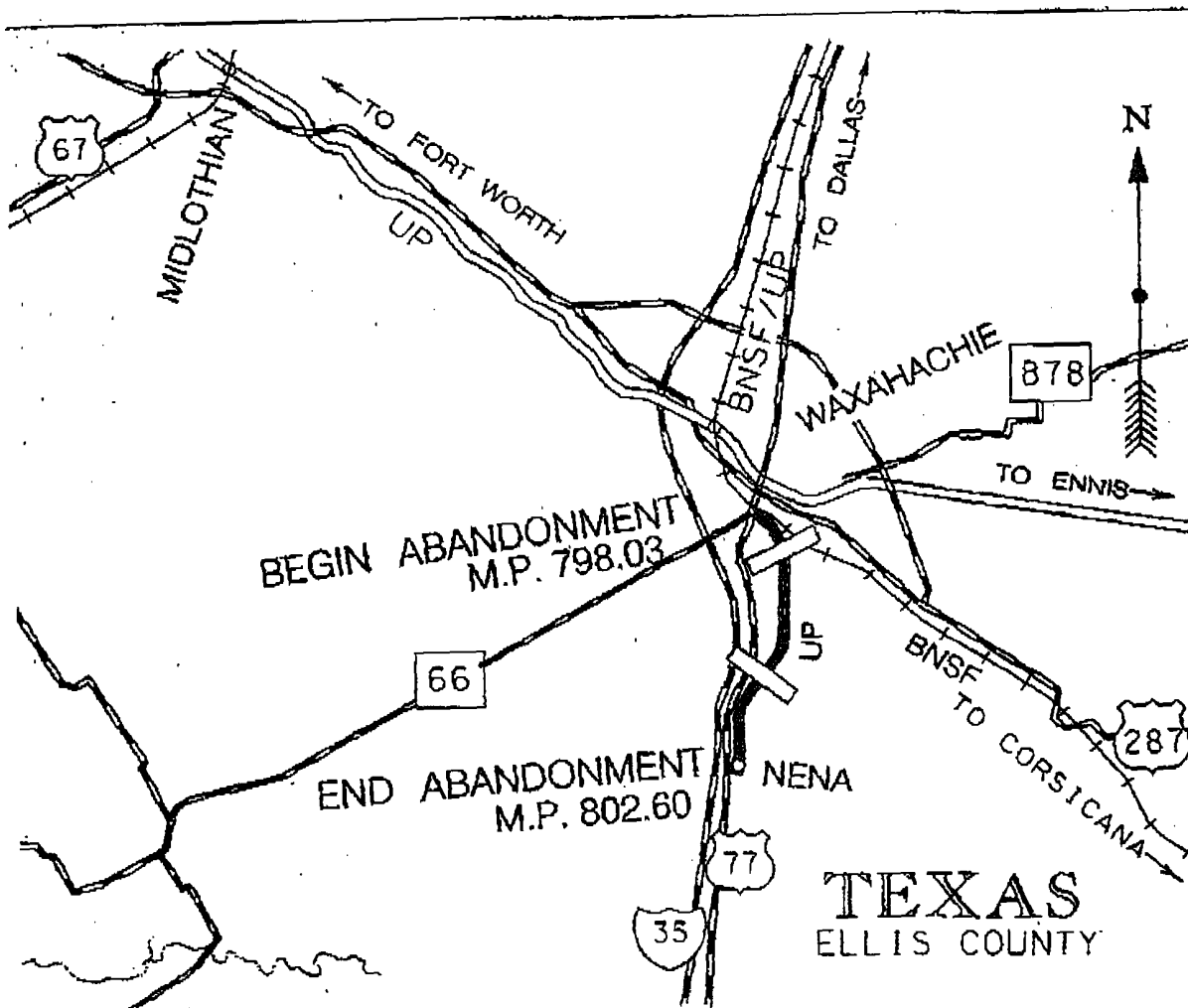
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Waxahachie, Texas 75168
(972) 938-2720
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JAMES S. CHAPMAN

Attorney for Proposed Trail User

EX. "A"



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR. 700.1	1-102' SPAN TT	434'	1990
	22-SPAN TPT		1991
BR. 800.0	1-100' SPAN TT	154'	1905
	11 SPAN TPT		1988

STATION	MILE POST	AGENCY
WAXAHACHIE	798.10	NO
NENA	802.60	NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER RR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

WAXAHACHIE INDUSTRIAL LEAD
A TOTAL OF 4.57 MILES
IN ELLIS COUNTY, TEXAS

UNION PACIFIC RAILROAD CO.
WAXAHACHIE INDUSTRIAL LEAD
INCL. 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: 0:\abandonments\ab0168_wox.dgn

DATE: 12-Apr-05 14:43

AB-33-229X